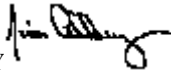

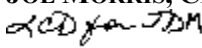





CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	11-16-10	AGENDA REQUEST NO:	VI-A
INITIATED BY:	JIM CALLAWAY COMMUNITY DEVELOPMENT DIRECTOR 	RESPONSIBLE DEPARTMENT:	COMMUNITY DEVELOPMENT
PRESENTED BY:	JIM CALLAWAY COMMUNITY DEVELOPMENT DIRECTOR	DEPARTMENT HEAD:	JIM CALLAWAY COMMUNITY DEVELOPMENT 
		ADDITIONAL DEPARTMENT HEAD (S):	N/A
SUBJECT / PROCEEDING:	CONSIDERATION AND ACTION ON A RESOLUTION REVISING BOUNDARIES FOR FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 128 (RIVERSTONE).		
EXHIBITS:	LETTER FROM RICHARD MULLER DATED NOVEMBER 2, 2010; MAP REFLECTING BOUNDARY DISCREPANCY; AND, RESOLUTION NO. 10-53.		
CLEARANCES		APPROVAL	
LEGAL:	JOE MORRIS, CITY ATTORNEY 	EXECUTIVE DIRECTOR:	N/A
PURCHASING:	N/A	ASST. CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD 
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
AMOUNT BUDGETED/REALLOCATION: \$		N/A	
ADDITIONAL APPROPRIATION: \$		N/A	
RECOMMENDED ACTION			
Consider and approve Resolution No. 10-53, correcting boundary description for Fort Bend County Municipal Utility District (FBC MUD No. 128).			

EXECUTIVE SUMMARY

Sugar Land City Council consented to creation of FBC MUD No. 128, a Riverstone district, in 2003 (Resolution No. 03-13). Resolution No. 03-13 described the District as containing approximately 692 acres of land. In 2005, the Developer petitioned the Texas Commission on Environmental Quality (TCEQ) to approve the District, describing an area containing approximately 671 acres of land, consistent with the City's ETJ boundary.

Resolution No. 10-53 amends the Council's original consent and reflects the District boundary approved by TCEQ. The Resolution also re-affirms Council's July 21, 2010 consent for the District's annexation of 33.15 acres of land into the District.

Resolution No. 10-53 corrects the discrepancy between the boundary included in the original Consent resolution, reflecting the actual boundary of the District plus the recent 33.15 acre annexation.

Staff recommends approval of Resolution No. 10-53.

EXHIBITS

ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

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Direct Fax: (713) 860-6615

rmuller@abhr.com

Richard L. Muller
Partner

November 2, 2010

Via E-Mail and First Class Mail

Mr. Jim Callaway
P.O. Box 110
Sugar Land, TX 77487
E-Mail: jcallaway@sugarlandtx.gov

Re: Fort Bend County Municipal Utility District No. 128 ("MUD 128")

Dear Mr. Callaway:

As you are aware, MUD 128 has recently sold its first series of bonds for water, sewer and drainage facilities (the "Bonds"). On October 19, 2009, the City of Sugar Land (the "City") formally consented to the issuance of the Bonds, as required by the City's consent ordinance.

In preparing the transcript of proceedings for the Bonds for approval by the Attorney General of Texas, we noted a discrepancy in the acreage of MUD 128 as included in the Petition for Consent to Creation of MUD 128 and the Petition for Creation of MUD 128. The relevant petition dates are outlined below.

Document	Date Signed	Date Submitted	Date Approved	Acreage
Petition for Consent to Creation of MUD 128 (City of Sugar Land)	May 15, 2000	May 16, 2000	February 18, 2003*	692.01
Petition for Creation of MUD 128 (Texas Commission on Environmental Quality)	May 18, 2005	June 13, 2005	January 17, 2006	670.72

**Development Agreement between City and Developer was approved this same date*

Following the execution of the Development Agreement between the City and the developers in Riverstone on February 18, 2003, a proposal was presented to adjust

November 2, 2010

Page 2 of 2

the respective extraterritorial jurisdictions ("ETJ") of the City and the City of Missouri City. As a result of the ETJ adjustment, the boundaries of proposed MUD 128 were modified to coincide with the revised ETJ line. The acreage shown on the Petition that was submitted to the Texas Commission on Environmental Quality in 2005 did not match the acreage approved by the City in 2003. A map comparing the acreage discrepancy is enclosed.

In order to complete the sale of the Bonds, MUD 128 respectfully requests that the City consider amending its consent to the creation of MUD 128 at its November 16, 2010, meeting, or any other City Council meeting prior to November 23, 2010, which is the scheduled closing for the Bonds. A draft ordinance is enclosed for your consideration.

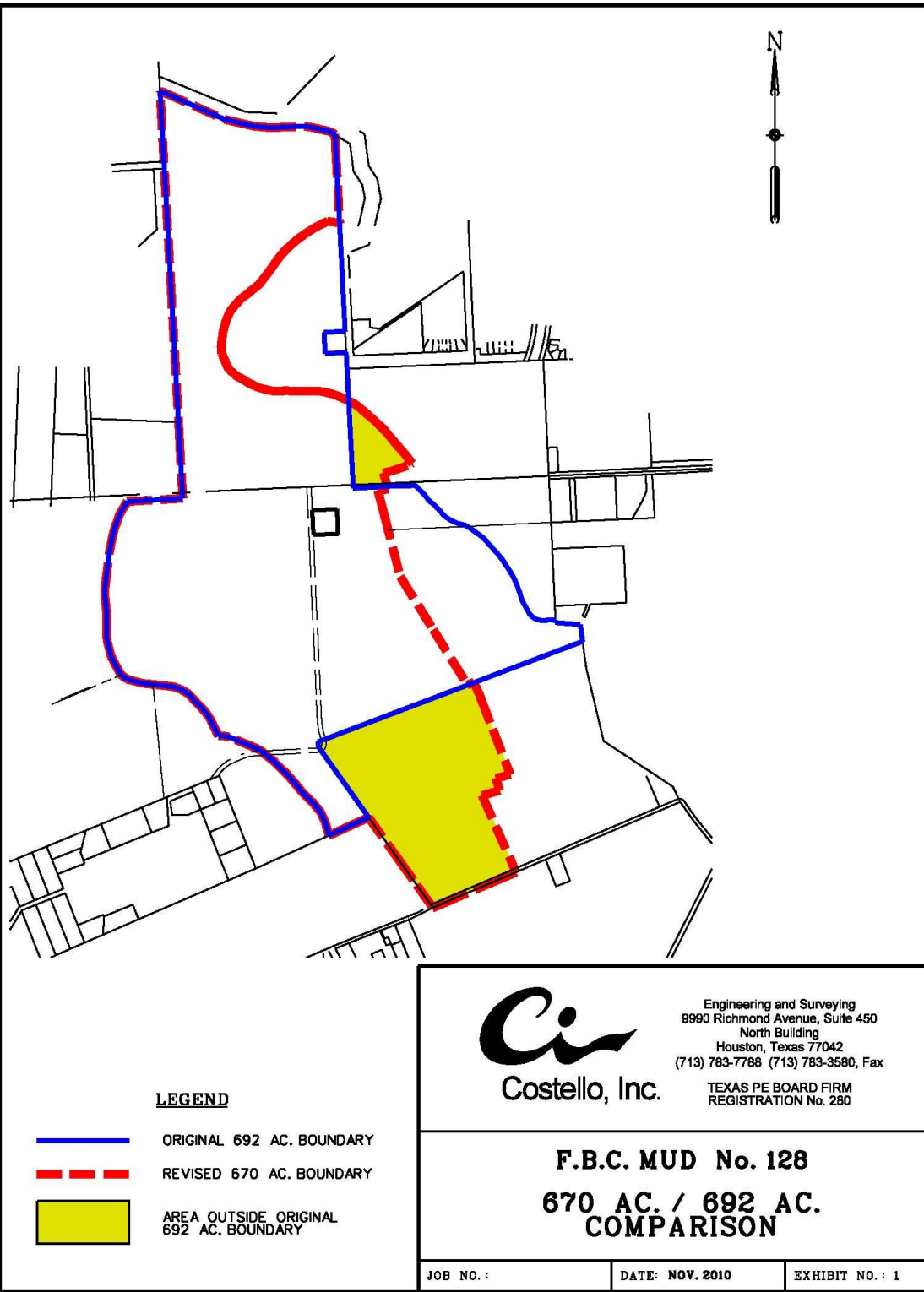
We apologize for the delay in submitting this request to you and thank you in advance for your cooperation. If you have any questions, please do not hesitate to contact me.

Sincerely,


Richard L. Muller

Enclosure

P:\Riverstone\EXHIBITS\128 boundary map\128BOUNDEXH.dgn
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RESOLUTION NO. 10-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING RESOLUTION NO. 03-13, CONSENTING TO THE CREATION OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 128.

WHEREAS, on May 16, 2000 the City of Sugar Land received a Petition for Consent to the Creation of a Municipal Utility District to be known as Fort Bend County Municipal Utility District No. 128 (MUD 128) for approximately 692 acres of land located in the City's extraterritorial jurisdiction (ETJ); and

WHEREAS, on February 18, 2003 the City Council of the City of Sugar Land adopted Resolution No. 03-13 consenting to the creation of MUD 128; and

WHEREAS, after approval of Resolution No. 03-13, the City Council and the City of Missouri City approved a reconfiguration of the City's ETJ in the proposed area of MUD 128; and

WHEREAS, on June 17, 2006, the Texas Commission on Environmental Quality created MUD 128 on approximately 671 acres of land, the boundary of which was based on the reconfiguration of the ETJ and included land not previously included in Resolution No. 03-13; and

WHEREAS, on July 20, 2010 the City Council approved Resolution No. 10-30, consenting to MUD 128 annexing 33.15 additional acres of land; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That it amends Resolution No. 03-13 by amending Exhibit A to include the 671 acres of land, the amended Exhibit A being attached to and made a part of this resolution by reference.

Section 2. That it affirms its consent to the annexation of 33.15 acres of land approved by Resolution No. 10-30, as described in Exhibit B, attached to and made a part of this resolution by reference.

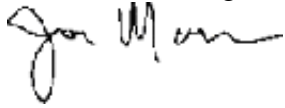
APPROVED on _____, 2010.

James A. Thompson, Mayor

ATTEST:

Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:

A handwritten signature in black ink, appearing to read "Jon M. [unclear]". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Attachments: Exhibit A – Metes and Bounds for 673.47 Acres (9 pages)
Exhibit B – Metes and Bounds for 33.15 Acres (3 pages)